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10/528,950	03/23/2005	David E Penna	GB 020166	1521
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EXAMINER				
CHOWDHURY, AFROZA Y				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/528,950

**Applicant(s)**

PENNA ET AL.

**Examiner**

AFROZA Y. CHOWDHURY

**Art Unit**

2629

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for continued examination (RCE) filed on **October 28, 2010** has been entered. Claims 1, 3-10, and 12-14 are currently pending. Applicant's amended claims are addressed herein below.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3-10, and 12-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 10, the specification does not describe "...a hand-held portable computer..." (see amended lines) as submitted originally.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5-10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ota** (US Patent 6437797) in view of **Ogaki et al.** (US Pub 20020154150).

As to claim 1, Ota discloses a portable computer device comprising: a data input (fig. 1(14), GPS receiver);

a control input (fig. 8(60A), picture button, fig. 9(64G), display position button);  
data acceptance logic (fig. 2, code(Tag), col. 3, lines 61-67) arranged to accept data on the data input (col. 3, lines 16-18, data from satellites), to determine whether time and location information is present (col.3, 18-22), to add time and/or location information to data items not having time and/or location information (col.3, 18-22) respectively and to store data items in memory (fig. 1(16), col. 3, lines 8-12, 39-46, SSFDC) together with respective time and location information;

and a display arrangement (figs. 1(14, 24)) arranged to cause the display of data items, including data items stored in the memory (fig. 1(16), col. 3, lines 8-12, 39-46, SSFDC), in one of a plurality of modes (fig. 8(60), fig. 9(64B-64D)), the modes including

a time mode (fig. 9(64)) and a space mode (fig. 9(66)), the display arrangement being arranged:

to switch between the time (fig. 9(64B)) and space (fig. 9(64G)) modes in response to a corresponding input on the control input (col. 5, lines 47-61));

to display in the time mode (fig. 9(64B)) a representation of a time interval together with representations of those data items that have respective time information in the time interval, the representations of data items being displayed at locations corresponding to the respective time information (fig. 9 (64E, 64F));

and to display in the space mode (fig. 9(66)) a representation of a display area together with representations of those data items that have respective location information within the display area, the representations of data items being displayed at locations corresponding to the respective location information.

Ota does not explicitly teach a handheld portable computer and a zoom control.

Ogaki et al. (herein after Ogaki) teaches a handheld portable computer (fig. 2(11)) and a zoom control (figs. 3-5, [0019], [0021] – [0022]) wherein the computer device accepts input from the zoom control and adjusts the zoom setting of the display to adjust the displayed time interval in the time mode and the display area in the space mode in accordance with the input on the zoom control (figs. 3-5, [0019], [0021] – [0022]).

Therefore, it would have been obvious to one skill in the art at the time the invention was made to incorporate Ogaki's display control method to modify Ota's image data managing method in order to built a handheld portable device with

adjustable zoom setting of the display to adjust the displayed time interval and the display area to get more detail positional information of captured images.

As to claim 3 Ogaki teaches a display control method where the data items are displayed together with information relating to the data items, the amount of information displayed for each data item varying with the zoom setting set by the zoom control ((fig. 4, (Menu, Address), [0052]).

As to claim 5, Ota teaches a portable computer device comprising a control (fig. 8(60A), picture button, fig. 9(64G), display position button) for selecting data items wherein on switching between time and location modes the selected data item remains displayed (figs. 8, 9).

As to claim 6, Ota teaches a portable computer device wherein the display of data items includes displaying icons (fig. 8(60)) corresponding to the data items (fig. 8).

As to claim 7, Ota discloses a computer device wherein the data acceptance logic (fig. 2) associates a tag (fig. 2(32), (34), col. 3, lines 61-67, Info Private tag and Exif Private tag) of predetermined format with each data item, the tag including the location, the time and the type of the corresponding data item (fig. 2).

As to claim 8, Ogaki teaches a display control method comprising a scroll control (fig. 4, page 2, [0019], [0022]) for scrolling the time mode and space mode displays (fig. 4).

As to claim 9, Ota teaches a computer device comprising a camera (fig. 1(12), col. 3, lines 25-27) to record images (fig. 1).

As to claim 10, Ota discloses a method of operation of a computer device the method including: accepting input data (fig. 1(14), GPS receiver);

testing whether input data includes time information and determining the time of any input data not including time information (col. 6, lines 17-20);

testing whether input data includes location information (col. 5, lines 53-61) and determining the computer device location as the location of any input data not including location information (col. 6, lines 17-20);

recording (fig. 11) input data as data items including both time information and location information (col. 3, lines 25-30);

accepting an input to select a time or a space mode (col. 3 lines 18-22);  
in the time mode (col. 5, lines 48-52), displaying on a display screen representations (fig. 9(64)) of data items in a time interval on a time line according to the time information stored in the memory corresponding to the data items (col. 5, lines 11-17, col. 7, lines 46-52);

in the space mode, displaying on the display screen representations (fig. 9(66)) of data items on a displayed area according to the location information corresponding to the data items (col. 7, lines 46-52).

Ota does not specifically teach a handheld portable computer and a zoom control.

Ogaki teaches a handheld portable computer (fig. 2(11)) and a method of accepting input on a zoom control (figs. 3-5, [0019], [0021] – [0022]) and zooming the display to change the display area in the space mode and to change the time interval in the time mode (figs. 3-5, [0019], [0021] – [0022]).

Therefore, it would have been obvious to one skill in the art at the time the invention was made to incorporate Ogaki's display control method to modify Ota's image data managing method in order to built a handheld portable device with adjustable zoom setting of the display to adjust the displayed time interval and the display area to get more detail positional information of captured images.

As to claim 12, Ota teaches a method including recording an image corresponding to a new event (col. 3, lines 16-22), storing the image as a data item (col. 3, lines 39-41) together with the time and location information and displaying the image when displaying the data item (col. 3, lines 41-46).

As to claim 13, Ota teaches a computer program product (fig. 3, image managing (IM) software, col. 4, lines 28-31) arranged to cause a computer to carry out the steps of



a method.

As to claim 14, Ota teaches a computer program product (fig. 3, digital map (DM) software, col. 4, lines 8-11) recorded on a data carrier (fig. 1(16), col. 3, lines 8-12, 39-46, SSFDC).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ota** (US Patent 6437797) in view of **Ogaki et al.** (US Pub 20020154150) and in further view of **Rusch** (US Patent 6801777).

As to claim 4, Ota (modified by Ogaki) discloses a image reproducing device including a GPS unit comprising: a location determining arrangement (col. 3, lines 13-22) for obtaining location information; and a clock unit (fig. 9(64B) for determining time information, wherein the display arrangement includes a screen (figs. 8-14) for displaying information; and the data input (fig. 1(14), GPS receiver) (Note: It is obvious that GPS receiver includes data exchange circuitry).

Ota (modified by Ogaki) does not teach a portable computer device including a wireless interface for bi-directional communication.

Rusch teaches a wireless communication device that includes various wireless protocols (fig. 1, col. 2, lines 26-28, 34-59).

Therefore, it would have been obvious to one skill in the art at the time the invention was made to combine Rusch's wireless communication device with Ota's GPS

receiver to built a handheld portable computer device which can be advantageous to determine positional and time information for image data and for wireless communicating with various communication networks.

### ***Response to Arguments***

7. Applicant's arguments filed on **October 28, 2010** have been fully considered but they are not persuasive.

On the 2<sup>nd</sup> page of Remarks, 3<sup>rd</sup> paragraph, Applicant argues that **Ota does not teach a handheld portable computer**. However, the specification does not describe "...a hand-held portable computer..." (see amended lines in claims 1 and 10) as submitted originally. Besides Ogaki teaches a handheld portable computer (fig. 2).

On the 5<sup>th</sup> page of Remarks, 1<sup>st</sup> paragraph, Applicant asserts, "**Ogaki is silent on adjustments in two modes e.g. the space mode and time mode**". The Examiner respectfully disagrees to this assertion. Ota discloses a GPS receiver (fig. 1(14)) with a display arrangement (figs. 1(14, 24)) arranged to cause the display of data items, including data items stored in the memory (fig. 1(16), col. 3, lines 8-12, 39-46, SSFDC), in one of a plurality of modes (fig. 8(60), fig. 9(64B-64D)), the modes including a time mode (fig. 9(64)) and a space mode (fig. 9(66)), the display arrangement being arranged: to switch between the time (fig. 9(64B)) and space (fig. 9(64G)) modes in response to a corresponding input on the control input (col. 5, lines 47-61)). Ogaki teaches a handheld portable computer (fig. 2) and a zoom control (figs. 3-5, [0019],

[0021] – [0022]) wherein the computer device accepts input from the zoom control and adjusts the zoom setting of the display. Therefore, Ota (as modified by Ogaki) clearly teaches adjustments in two modes e.g. the space mode and time mode.

On the 5<sup>th</sup> page of Remarks, 2<sup>nd</sup> paragraph, Applicant states that **the motivation of combining the references is not shown**. The Examiner again respectfully disagrees to this statement. Since both references are in the same art invention, these two references can be combined. It is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968). Both Ota and Ogaki disclose computer devices including display and memory. Ota teaches a GPS receiver (fig. 1(14)) with a display arrangement (figs. 1(14, 24)) arranged to cause the display of data items, including data items stored in the memory (fig. 1(16), col. 3, lines 8-12, 39-46, SSFDC). Ogaki teaches a handheld portable computer (fig. 2(11)) including a display and a memory (fig. 2, [0018]) and a method of accepting input on a zoom control (figs. 3-5, [0019], [0021] – [0022]). Therefore, Ota's image data managing method can be modified by incorporating Ogaki's display control method in order to built a handheld portable device with adjustable zoom setting of the display to adjust the displayed time interval and the

display area to get more detail positional information of captured images (see above discussion).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afroza Y. Chowdhury whose telephone number is 571-270-1543. The examiner can normally be reached on 7:30-5:00 EST, 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571-272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC  
12/29/2010

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